

1 THE HONORABLE JOHN C. COUGHENOUR
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67 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE10 MYRIAM ZAYAS,
11 v.
12 CITY OF SEATTLE, *et al.*,
13 Defendants.14 CASE NO. C24-1613-JCC
15 ORDER16 This matter comes before the Court on the referral notice from the United States Court of
17 Appeals for the Ninth Circuit (Dkt. No. 13), who referred this matter to determine whether *in*
18 *forma pauperis* status should continue. (*Id.*)19 “An appeal may not be taken in *forma pauperis* if the trial court certifies in writing that it
20 is not taken in good faith.” 28 U.S.C. § 1915(a)(3). “[A]n appeal is not taken in good faith . . . if
21 there is some evident improper motive or if no issue is presented which is not plainly frivolous.”
22 *Tweedy v. United States*, 276 F.2d 649, 651 (9th Cir. 1960); *see also Hooker v. American*
23 *Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002) (“If at least one issue or claim is found to be non-
24 frivolous, leave to proceed in *forma pauperis* on appeal must be granted.”).25 This Court, following an order to show cause and the filing of Plaintiff’s amended
26 complaint, dismissed this case based on inadequately pleaded subject matter jurisdiction (and
alternatively for failing to state a claim). (Dkt. No. 9 at 3.) Plaintiff now seeks review of this

1 decision. (See Dkt. No. 11.) But the Court continues to find that Plaintiff's complaint lacks an
2 arguable basis in law and, as such, is frivolous for purposes of acquiring *in forma pauperis* status
3 on appellate review. *See Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

4 Accordingly, the Court CERTIFIES that Plaintiff's appeal is not taken in good faith and
5 REVOKEs her *in forma pauperis* status. The Court respectfully DIRECTS the Clerk to send this
6 order to the Court of Appeals. The Court further DIRECTS the Clerk to send a copy of this order
7 to Plaintiff.

8 DATED this 17th day of December 2024.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE